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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER AVELLINO, JOSEPH E	
			ART UNIT 2143	PAPER NUMBER

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/824,781

Applicant(s)

VANSKA ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/26/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-36 are presented for examination with claims 1 and 34 independent.  
The Office Acknowledges the addition of claims 35 and 36.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-18, 21-25, 31-32, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Doi et al. (US 2001/0014911) (hereinafter Doi).

3. Referring to claim 1, Doi discloses a method of managing user privacy in a network environment (e.g. abstract), comprising:

recognizing one or more service opportunities (the Office takes the term “service opportunities” as any point of presence which can provide access to a user) of a service operator on a user device operated by a user (e.g. abstract);

determining a privacy level (i.e. user identifiable or user anonymous) at which communications is conducted with a service operator (Figures 11-12; p. 6, ¶ 67-73);

conducting the communications with the service operator at the privacy level (Figures 11-12; p. 6, ¶ 67-73).

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4. Referring to claims 2 and 3, Doi discloses the user device is a Bluetooth enabled wireless communications device which automatically discovers service opportunities (it is well known in the art that Bluetooth devices automatically search for new service opportunities) (p. 2, ¶ 34).

5. Referring to claim 4, Doi discloses the recognizing comprises anonymously obtaining information relating to the one or more service opportunities (pp. 2-3, ¶ 36).

6. Referring to claim 5, Doi discloses the information relating to the one or more service opportunities comprises a service category (i.e. user identifiable or user anonymous, location dependent or location independent) (Figure 7; p. 5, ¶ 55-62).

7. Referring to claims 6 and 18, Doi discloses allowing the service provider to obtain access to a subset of profile information of the user according to the service category (i.e. user anonymous would not obtain the user identifier from the profile) (pp. 2-3, ¶ 37-39).

8. Referring to claim 7, Doi discloses providing personalized service to the user according to the subset of profile information (i.e. location dependent data is transmitted in the dynamic profile in order to provide the user with personalized service relating to the location of the user) (p. 3, ¶ 43).

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9. Referring to claim 8, Doi discloses obtain a subset of profile information of the user according the requested viewpoint (the Office takes the term “viewpoint” as any visual key in order to differentiate this point from any other point, such as traffic directions) (p. 5, ¶ 61).

10. Claim 9 is rejected for similar reasons as stated above.

11. Referring to claim 10, Doi discloses the privacy level includes Anonymous (i.e. if the user ID is never transmitted, then it is considered Anonymous transmission) (pp. 2-3, ¶ 37).

12. Referring to claim 11, Doi discloses the determining a privacy level determines a privacy level based on the nature of the service negotiations with the service operator (i.e. if the user wishes to access location dependent information, it is required to provide the location of the user) (p. 3, ¶ 43).

13. Referring to claim 12, Doi discloses the privacy level is based upon one or more prior transactions with the specific service operator (i.e. if the user has authorized the use of user identification, then the user is unable to proceed back to the anonymous transactions, because they have already authenticated themselves to the system) (Figure 12 and related portions of the disclosure).

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14. Referring to claim 13, Doi discloses the determining a privacy level determines a privacy level based on the identity of the service operator (i.e. if the service operator is location dependent, then it must be known where the user is located) (Figure 1; pp. 2-3, ¶ 36-39).

15. Referring to claim 14, Doi discloses the determining a privacy level determines a privacy level based on user-defined parameters (Figure 2, and related portions of the disclosure).

16. Claim 15 is rejected for similar reasons as stated above.

17. Referring to claim 16, Doi discloses obtaining a user identifier (i.e. temporary ID) to conduct pseudonymous communications with the service operator relating to the one or more service opportunities (Figure 3, and related portions of the disclosure).

18. Claim 17 is rejected for similar reasons as stated above.

19. Referring to claim 21, Doi discloses:  
determining a profile access level (Figure 2);  
transmitting the profile access level to the service operator (Figures 2-3 and related portions of the disclosure);

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wherein the service operator obtains a subset of profile information from a profile operator according to the profile access level (Figure 3).

20. Claim 22 is rejected for similar reasons as stated above.

21. Referring to claim 23, Doi discloses determining a profile access determines the profile access level based upon a prior arrangement between the service operator and the user (i.e. determining whether to use a static or dynamic user profile) (Figures 8A-B; p. 5, ¶ 58-61).

22. Referring to claim 24, Doi discloses updating the profile information of the user (Figure 3).

23. Referring to claim 25, Doi discloses updating the profile information based upon user information provided by the service operator (i.e. updating location information in a user profile) (Figure 3).

24. Referring to claim 31, Doi discloses the user device is a mobile wireless device (Figure 6).

25. Referring to claim 32, Doi discloses receiving service from the service operator (e.g. abstract).

26. Claim 34 is rejected for similar reasons as stated above.

27. Referring to claims 35 and 36, Doi discloses conducting the communications comprises the user device controlling the information sent from the device according to the privacy level (the user, through the user device, determines whether the request is for location dependent, or location independent service, and therefore controls what information the service provider receives, either the dynamic and static profile for location dependent service, or only the static profile for location independent service) (p. 5, ¶¶ 59-64).

***Claim Rejections - 35 USC § 103***

28. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 19, 26-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doi.

29. Referring to claims 19 and 26, Doi discloses the invention substantively as described in the claims above. Doi remains silent upon compensation for obtaining profile information from the user as well as the service provider providing information to the user. However it is well known that third-party advertising servers can pay to obtain



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mailing lists from companies in order to track advertising for its customers. It is also well known that GPS companies can have subscription services in order to provide users information. By this rationale it would have been obvious to one of ordinary skill in the art to modify the system as described in Doi to include compensation to further enhance commerce and business tactics.

30. Referring to claim 27, Doi discloses the invention substantively as described in claim 24, Doi does not disclose tracking user activity on the user device, however it is well known that servers can use tracking cookies in order to track users throughout their website, and in order for advertisers to determine which advertisements to transmit to the user. By this rationale it would have been obvious to one of ordinary skill in the art to update the dynamic user profile of Doi to include tracking information in order to track users using the system as well as for logging and security systems, which is well known as being under constant attacks from hackers.

31. Referring to claim 28, Doi discloses the invention substantively as described in claim 1. Doi does not specifically disclose the service opportunities recognized by the user are dynamically changed by the service provider. However, Doi does disclose that the invention can be used in a high speed mobile object such as an automobile, car, etc. (p. 6, ¶ 75), and it is well known that multiple cell towers and GPS satellites are used in order to track a user throughout an area, thereby it would be obvious that the service opportunities (i.e. the wireless gateways would change as the object moves

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around) would dynamically change in order to compensate for the high rate of speed of the object, thereby allowing the user to stay in communication with the system.

32. Referring to claim 30, Doi discloses the invention substantively as described in claim 1. Doi does not specifically disclose the system communicates across a personal area network. However it is well known that Bluetooth devices, such as described in Doi are compatible with the system, are used in a personal area network to communicate devices close to the user. By this rationale it would have been obvious to one of ordinary skill in the art to allow the user to communicate through a PAN to allow devices close in proximity to communicate while not interfering with other devices further away.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doi in view of Rajchel et al. (USPN 6,496,931) (hereinafter Rajchel).

33. Doi discloses the invention substantively as described in claim 18. Doi does not disclose the profile information is remotely located from the user device. In analogous art, Rajchel discloses another method of managing user privacy wherein the service provider obtains the profile information (i.e. user information record) from a profile operator remotely located from the user device (Figure 3, 43 and related portions of the disclosure). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Rajchel with Doi to allow a web site

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operator the ability to track meaningful information regarding the user without compromising the identity of the user as supported by Rajchel (col. 3, lines 18-25).

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doi in view of Carothers et al. (US 2002/0069117) (hereinafter Carothers).

34. Doi discloses the invention substantively as described in claim 32. Doi does not disclose payment for the service obtained by the user is conducted anonymously. In analogous art, Carothers discloses another method of managing user privacy wherein payment for the service obtained by the user is conducted anonymously (p. 1, ¶ 9). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Carothers with Doi in order to allow consumers the ability to barter with one another without needing to be physically present as supported by Carothers (p. 1, ¶ 9).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doi in view of Owen et al. (USPN 6,611,501) (hereinafter Owen).

35. Doi discloses the invention substantively as described in claim 28. Doi does not specifically disclose the service opportunities are dynamically changed by the service provider according to profile information of the user. In analogous art, Owen discloses service opportunities are dynamically changed by the service provider according to

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profile information of the user (col. 4, lines 35-55). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Owens with Doi in order to provide a mutually beneficial connection between two entities in order for enhanced communication between the computers as supported by Owens (col. 4, lines 59-64).

### ***Response to Arguments***

36. Applicant's arguments filed January 14, 2005 have been fully considered but they are not persuasive.

37. IN the remarks, Applicant argues, in substance, that (1) Doi does not disclose recognizing service opportunities of a service operator, and (2) Doi does not disclose a profile operator to enable the service operator to obtain a subset of profile information of the user according to a profile access level.

38. As to point (1), Applicants attention is directed towards page 3, ¶ 41. The system of Doi provides location dependent service opportunities. A broad interpretation of the limitation "recognizing one or more service opportunities of a service operator" could be construed to mean "determine a service of a service operator". Doi discloses that the location dependent service providing server 22 provides a service *dependent on the location of the mobile terminal 10A to the mobile terminal* (which is provided by the wireless gateway 19). This service opportunity is then recognized by the user device

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since the user submits location information from the location information providing server 21, which then replies with a service opportunity. Applicant is reading limitations into the claims construing that the term "recognizing" is to mean "physically finding" whereas a reading of the claim by one of ordinary skill in the art can understand this limitation can be interpreted as merely determining the service opportunities of a service provider. By this rationale the rejection is maintained.

39. As to point (2), Applicants attention is directed to p. 5, ¶ 59-64. The user discloses whether the user requests the location dependent service from the location dependent service providing server 22 or location independent service from the location independent service providing server 23 (¶ 60). This distinction equates to determining a profile access level on the user device, and transmitting the profile access level to the service operator. The wireless gateway, based upon this distinction, routes the requests to either the location dependent server 22 or location independent server 23. If it is to the location dependent server 22, the dynamic profile *as well as* the static profile of the user are transmitted, *however*, if the request is to the location independent server 23, *only* the static profile is transmitted to the server. In this case the wireless gateway is the profile operator, and since this is considered part of the service operator (since it provides service to the user device) it is sufficient to understand that the access level is transmitted to the service provider. By this rationale the rejection is maintained.

***Conclusion***

40. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

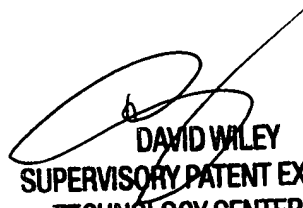
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JEA

April 5, 2005

  
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